

Home (1940) Department.

Ms SERIES.

G.O. No. 3403,

Dated 15th August 1940.

M

2.19
E

[Despatch Abstract.]

JAILS - Alipúram Jail, Bellary - R. Govinda Rao, ex-store-keeper - Security deposit - Withdrawal from the Post Office Savings Bank by the Superintendent, Central Jail, Bellary - Letter from the Postmaster-General communicated.

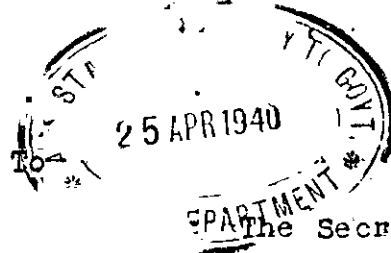
--

From

Lieut-Col. S. C. Contractor, M.B., T.M.S.,

Inspector-General of Prisons,

Madras.



The Secretary to Government,

Home Department,

Fort St. George, Madras.

No. 2448/A-2/39, dated 23rd April 1940.

Sir,

SUB: Audit - Central Jail, Bellary - Security
Deposit of ex-Store Keeper R. Govinda Rao
of the old Alipuram Jail, Bellary.

I have to report that the security deposit
Savings Bank Pass Book No. 28065 of the ex-Store Keeper,
R. Govinda Rao, pledged to the Superintendent, Alipuram
Jail, Bellary has been lying undisposed of at the Central
Jail, Bellary since a long time. The pledge is for a
total sum of Rs. 250/- (which is the prescribed limit for
a lower division clerk). The store-keeper was paying
his security deposit in monthly instalments as required
by Rule 144, Jail Manual, Part II. The amount at credit
on 22-5-1930 was Rs. 197-9-8. The amount at credit on
1-4-1932 was Rs. 215-14-0 when the Post Office treated it
as dead account in the absence of further deposits for
more than 4 years. The account has been revived since
and the amount at credit on 1-4-1940 inclusive of interest
is Rs. 254-10-5.

See 143 (a) of the Manual
re Manual Vol II

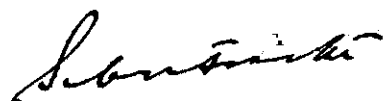
p-40 of the Manual
(not part of)

(N)
pp 186-189

2. In this connection, I invite a reference to
the Government Order No. 2045 Ms., Law (General), dated
14-7-1934. The Government sanctioned the waiver of the
recovery of the balance of Rs. 9532-⁶10 from the ex-
store-keeper, R. Govinda Rao of the old Alipuram Jail,
Bellary, decreed by the District Judge of Bellary on

2
42-
the ground that it was not possible to make further recovery from the party. The existence of the security amount pledged to the Superintendent, Alipuram Jail, Bellary appears to have been lost sight of.

3. I request orders of Government authorizing the Superintendent, Central Jail, Bellary, the custodian of the records of the old Alipuram Jail, Bellary to withdraw only the sum of Rs.250/-, that is the total amount for which the account stands pledged to the Superintendent. The amount, if ordered to be withdrawn will be credited to Government towards the decree amount under 'XXII, Jails and Convict Settlements - Jails - Miscellaneous'. I may state that the Postal authorities may not allow the jail to withdraw the amount in excess of the pledged amount of Rs.250/-.



Lieut-Col., I.M.S.,
Inspector-General of Prisons.

Tss/2.4.4

54/5 -
[CRO 12619]

2
Home Dept.
Memo/ 12619 C-1 d 6.5.40
Alipernam Gil
Bellary - Ex-stor keeper Garinda Rao
- Security deposit - withdrawal of -
- Regd letter from the D.G. of
Prisons. no 2448/A-2/39 d 23.4.40

C.F

The D.G. is requested
to send for the personal of ^{the} Govt
the saving bank pass book
(no 28065) of the ex-stor keeper
and the security bond executed
by him.

RM
2-5-40

h/s

To the D.G. of Prisons.
Dy. Dy. Secy

C.F. 32 (a).

In reply, please quote
number, date and
short title.*

21 MAY 1940

J a i l

DEPARTMENT.

Received

Registered

From (Name) Lieut-Col. S. C. Contractor, M. B., I. M. S.,

(Designation) Inspector-General of Prisons,

Post Box _____, (STATION) Madras.

Telegraphic Address _____

To

The Secretary to Government,
Home Department, Madras.

No. 2448/A2/39 dated 16th May 1940.

Sir,

Ref* Your Memorandum No. 12619 C-1, Home, dated
6th May 1940.

ENCLOSURES _____

one Savings Bank

Pass Book No
28065

SPARE COPIES _____

The Savings Bank Pass Book No. 28065 of

R. Govinda Rao is sent herewith as ordered. It
may please be returned when no longer required.
The Superintendent reports that the security
bond executed by Sri Govinda Rao is not available.

18/5/40
20.5.40

For Inspector-Genl. of Prisons.

Tss/20.5.

No. 100
20/7/40

19/7/40

Home Dept

Let / Ref. no. 12619C-4 of 19-7-40.

To

The Postmaster - General,

Madras

(with enclosure)

with Encls

Re: P. No. 12619C-4

- (1) ... (part of)
- (2) copy of bond (Form No 48-C Sir, with old jail manual)

jail. Old Aliporam jail, Bellary.
 R. Govinda Rao, an ex-stonekeeper
 - security deposit.

I am directed to address ^{you} on
 the subject of the withdrawal of a
 (nearly two hundred Rs) sum of Rs 250/- out of the amount
 standing to the credit of one R.
 Govinda Rao in ^{the} Post Office
 Savings Bank. His pass book
 no. 28065 is enclosed for reference
 and return. ~~In this connection~~
~~I am to furnish the following~~
~~particulars~~

(G)

R. Govinda Rao was a
 stonekeeper in the old Aliporam
 jail, Bellary. He executed a
 security bond for Rs 250/-
 indemnifying ^{the Govt} against all loss and
 damage of the ^{property of the} Govt. left in his
 charge. The security was deducted
 from ^{his} ~~the~~ monthly instalment

for ... -1 R.F

✓✓
at 10% of his pay and the amount
was deposited in the Post office
Savings account. ~~the~~ ~~Security~~ ~~amount~~.
The pass book was mortgaged to the
Supt. of the jail.

owing to certain irregularities in
the jail leading to a shortage of Provision P-1 or P-5
raw and manufactured articles
to the value of Rs 8445-15-8⁰⁰; the

Storekeeper was dismissed from service.
A decree for this amount ^{and the cost of suit} was passed by the D. Judge.
After his dismissal, the Savings Bank
Account became a dead account
and it ~~has~~ ^{has been} ~~never~~ ^{reverted}. The amount
standing to his credit ^{on 1.4.40 was} ~~Rs 254-10-5~~

Bellary; but only a sum of Rs 38-60-3 was
realised by the sale of the property of Garib
Rao, and recovery of the balance was waived
by the Govt. The fact that there was a security
deposit pledged to the Supt. of the jail was
lost sight of at all time.

The old Alipuranam jail, Bellary,
was abolished on 1.4.32 and the
records of that jail were transferred
to the Central jail, Bellary. ~~being~~
~~the records~~ The original bond executed
by the ex. storekeeper ~~is~~ ^{is} cannot be traced.
A copy of the form of bond is enclosed for reference.
missing. It is proposed to authorise
the Supt. Central Jail, Bellary,
who is now the Custodian of the
records of the old Alipuranam jail,
to withdraw the ^{security amount} ~~sum~~ of Rs 250/- and
credit it to ^{the} ~~the~~ ~~fund~~ ~~towards~~ the
~~loss of Rs 8445-15-8~~.

2. In the circumstances explained

above, I am to request you to be
so good as
kind enough to issue instructions
to the Postal authorities concerned
permitting the withdrawal of the
amount by the Dypt qm C. (air), Bellary.

by
11.7.40

I have etc.

18/7

Copy to the Dypt qm C. (air).

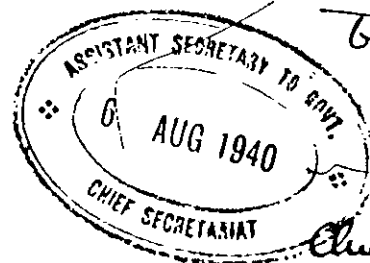
on
14.7.40.

V n	
1 x 6	
Dr 1. 1	2. 6-3. 1
13	
13	

Indian Posts and Telegraphs Department. REGD.

FROM

NoSB/MS.308.

22219 C
6-8-40The Postmaster-General,
Madras Circle.

The Postmaster, Bellary.

Number of enclosures

Dated Madras the 3rd August 1940. 19

Sub:- Security deposit account No. 28065 of Bellary.

On the authority of letter No. 12619 C-4, dated the 19th July 1940 of the Secretary to the Government of Madras, Home Department, (Copy enclosed) the Superintendent, Central Jail, Bellary is allowed to withdraw the sum of Re.250/- from security deposit account No. 28065 standing in the name of Mr. R. Govinda Rao, which was pledged to the Superintendent, Alipuram Jail.

2. The pass book in question is sent herewith.
3. The date of payment should be reported.

(sd) K. S. SHEPPARD

Doc. accg: Pass Book

for Postmaster-General

No. SB/MS.308.

Copy to the Secretary to the Government of Madras for information with reference to his No. 12619 C-4 dated the 19th July 1940.

The Superintendent, Central Jail, Bellary may kindly be instructed to take payment of the amount.

Doc. accg: nil

for Postmaster-General

Jails - Central Jail, Bellary - Security deposit of ex-store keeper, R. Govinda Rao of the old Alipuram Jail, Bellary.

C.No.12619 C.

From the I.G. of Prisons, 2448/A.2/39 dated 23.4.40.

R. Govinda Rao was a store-keeper (L.D. clerk) in the old Alipuram Jail, Bellary. In connection with certain irregularities noticed in the jail, leading to shortage of raw materials and manufactured articles, an enquiry was held and the store-keeper was dismissed from service. A civil suit was filed against him to recover the value of shortages. The Dt. Judge, Bellary passed a decree against him for the recovery of Rs.9571-1-1, Rs.8445-15-8 towards damages equivalent in value of the articles which were found missing and Rs.1115-1-5 towards the cost of the suit. Reference is invited to G.O.2045, L.G. dated 14.7.34 and the notes on pp.181-185 of that G.O. Govinda Rao evaded execution proceedings and at last filed an insolvency petition. His property was sold and a sum of Rs.38.10.3 was realised. The recovery of the balance of Rs.9532-6-10 was waived.

2. It is now reported that the ex-store-keeper furnished security with reference to rules 143-144 of the P.&R. Manual and that the security was deducted from his pay in monthly instalments at 10 per cent of his pay. The security that was recoverable from him with reference to his pay was Rs.250. At the time he was dismissed, this amount does not appear to have been reached. After the store-keeper's dismissal, the savings bank book which was pledged to the Supdt. became a dead account. It seems to have been revived recently and the amount

1/2' 81 as (N)

h 186 dis

(N)
h 186-87

h 189 dis

cf

2
at credit on 1.4.40 is Rs.254-10-5. The fact that there was a security deposit pledged to the Supdt. escaped the notice of the jail authorities at the time the question of recovery from the store-keeper of the loss caused to Govt. was under consideration. The Alipuram Jail was abolished on 1.4.1932. The records of that Jail are now in the custody of the Supdt. of the Central Jail, Bellary.

3. The I.G. has now requested that the Supdt. of the C.J., Bellary should be authorised to withdraw from the savings bank account referred to, a sum of Rs.250/-, that is, the total amount for which the account stands pledged to the Supdt. and that the amount ^{shall} ~~be~~ be credited to the Jails budget. The proposal to draw Rs.250/- from the savings bank account and credited ^{to} ~~to~~ Govt. is not open to any objection. It is however, doubtful whether the postal authorities will agree to the amount being drawn by the Supdt. ^{who is not the same as the one} to whom the security deposit in the pass-book was pledged and ~~that~~ ~~the~~ without the consent of the depositor. Before the Govt. order. . sanctioning the withdrawal of the amount, it seems desirable to get the original security bond executed by the ex-storekeeper & to see whether it will be legally possible for the Govt. to issue ^{such} orders. A draft memo. is submitted.



mm
2-5-40.

4/5

Issued as Memo to me Df no 12617C-1 D
6.5.40

13CF

[Cno 15105C] San Re. Df. no 2448/A2/38
D. 6.5.40.

14CF

(G)

p 4 of

in the

rule 143.

The D.G. has sent the saving bank pass book of the late ^{Storekeeper} ~~clerk~~ Jarinda Rao.

It is stated that the original security bond executed by Jarinda Rao is not available.

The bond would have been executed in

A Form no 48-C printed on ff CLXXIII -

CLXXV of the D.W. Gil Manual. It will be seen that 10 per cent of the ex-Storekeeper's salary was deducted (until the amount so deposited reached the sum of Rs. 250/-).

"for the purpose of in part securing and indemnifying the said Secretary of State in Council, his successors and assigns against all loss and damage which he or they might or may in any way suffer by reason of the said property or any part or parts thereof being in any way consumed, wasted, embezzled, stolen, mispent, lost, misapplied or otherwise dishonestly, negligently or by or through oversight or violence made away or parted with by himself or any person acting for him."

The concluding paragraph of the bond provides that in the event of the death of the principal (the ex-Storekeeper in this case) or vacation by him of his office, the cash security should be retained and remain with H

14-

Sgt for the term of 6 months after the date of
such death or such vacation as security
against any loss or damage that might
have been incurred. The ex-Darkeeper
does not appear to have claimed the refund
of his security money at any time. He
was evading Court processes which were
aimed at executing the Court's decree against
him. Subj has it appears that the
proper authorities will be agreeable to the
refund of a sum of Rs 250/- if the circumstances
are explained ^{to them} notwithstanding the
loss of the original bond. For orders
whether the Postmaster General may be
addressed in the matter and be requested
to permit the Supy of C. Jail, Bellary
to ~~draw~~ withdraw a sum of Rs 250/-
from the S.B. account in Mysore.

Finance should see
the case for any remissions they may
have to offer.

29/5/46

31/5
Jm

10
100-12619-1
46/60

Frederick

M 2 to H.C.
21572 Ant.

p 4 anti

The facts of the case are explained in full in the note of the Home Dept. on pp 1-4 anti and the proposal of Home is to address the Postal authorities for the withdrawal of the sum of Rs 250/- being the security deposit of T. Govinda Rao ex-store-keeper.

p 43 of the book
(not put up).

2 The point for consideration is whether the course suggested by Home can be resorted to. Under Art. 81 of M.F. & A.C. Vol I, security deposits shall be retained for at least six months from the date of vacation of office by the Govt. servant who deposited the security; but the security bond should be retained permanently or until it is certain that there is no further necessity for keeping it. In the present case the bond ~~is~~ is missing and the deposit amount has not been claimed within six months. The security was furnished for indemnifying the Govt. against all loss. The Govt. have sustained heavy loss through the store-keeper and the security deposit can be ~~forfeited~~, therefore, be proceeded against for the recovery of the loss. In the circumstances, there is no objection to the proposal of Home

p 4 CF

cf p 3 anti

6

3 Home may be requested to consult
the Legal Dept. also before addressing
the Postal Dept.

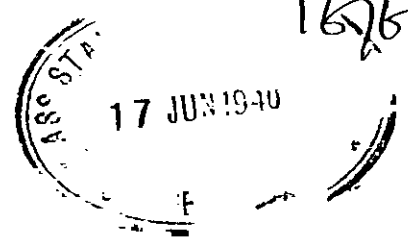
16/6/40
SK
7.6.40.

Cos
16/6/40

Home

En no 21572 Aug

16/6/40



Home Dept.

The file may be sent to
Legal for remarks as suggested by Finance

17488 C
17/6

17.6.40

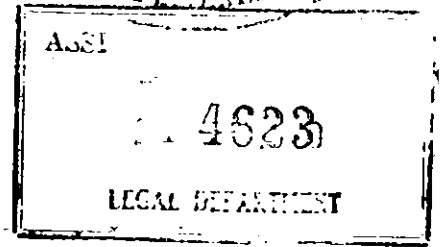
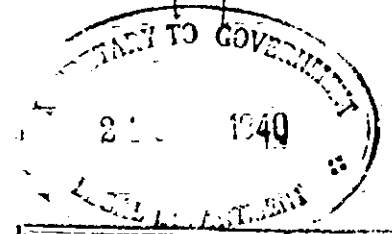
19/6
Legal

Legal Dept.

Will Home Dept please put up
a copy of the bond referred to
at A on page 13 ante and oblige?

X. 101
24/6/40

no. 12619C-2
20/6/40



Home

Home Dept.

The copy of the bond referred to is in Appendix IV
One has also the Manual, 1928 edition (ff. CLXXIII & CLXXV).
The manual is put up and may be sent to Legal for
reference and return.

no. 12619C-3
22/6/40

Legal 4463-1
24.6.40

25.6.40

Legal

Legal



10558 C
25-6-40

Legal Department

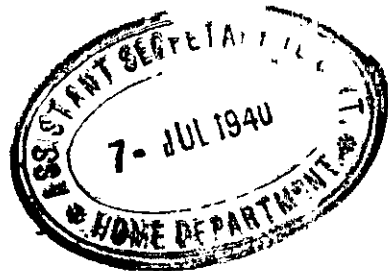
See portion side-lined at page clxxv of the Jail Manual.

The bond contains an express provision giving full power to the Secretary of State in Council and his successors or assigns or his or their officers or servants duly authorised in that behalf, to apply the sum in the post office savings bank account, together with any interest receivable or received in respect thereof, in and towards the indemnity furnished by the bond. The Government have therefore power to apply the sum towards the indemnity straightaway and without recourse to any legal proceedings. It is true that a decree was obtained against the defaulter in respect of the loss caused by him, but the right conferred by the indemnity bond could have been enforced even without a suit and this right cannot be taken away merely by reason of the passing of a decree. If however the Government exercise the rights conferred on them by the indemnity bond and recoup themselves, the decree obtained by them should be deemed to have been satisfied to the extent to which the Government so recoup themselves, and it will be the duty of the Government to bring the facts to the notice of the Court and enter such satisfaction. The decree in this case has however become barred by limitation as no steps have been taken to execute it since the year 1934 when the amount due under it was written off as irrecoverable. No question therefore arises here of entering partial satisfaction of the decree. There is no legal objection to the Government addressing the Postmaster-General and asking him to permit the withdrawal of a sum of Rs. 250/- from the saving

See 902-5
N
11-7-34

1186-189 9 (N)

bank account. The Government may, if the Postmaster-General so desires, undertake to indemnify him against all the consequences of such authorisation. It is not unlikely that the P.M.G. will ask for such an indemnity in this case, as the original indemnity bond executed by Govinda Rao is not available now.



(21) C.F.C. 4623
- 0

K. rol
4/7/40

for
5/7/40

Home



S

Legal 4623-1

5.7.40

with jail Thamel

Home Dept

Please see the legal note above.
A draft letter to the P.M.G. is mtd.
for approval.

km
11.7.40
15.7.40

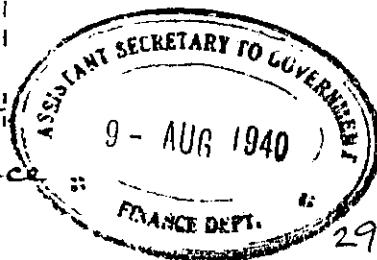
11/8/7

Issued on letter no. 12619C-4 of 19.7.40
[22219] from the P.M.G., Madras, no. SB/A.S. 308
of 3.8.40.

pp 6-8 CF
p-9 CF

Please see the letter on pp 6-8 CF and the
P.M.G.'s reply on p-9 CF. The P.M.G. has
permitted the withdrawal of the security amount.

A Draft order is mtd. for approval. Finance
may see before issue.



Am

29/29 Ar

km
1.8.40
1.8.40

11/8/7

Home no 12 619C-5
9.8.40

Finance (Att)

[Previous Finance note on pp 5-6 ante]

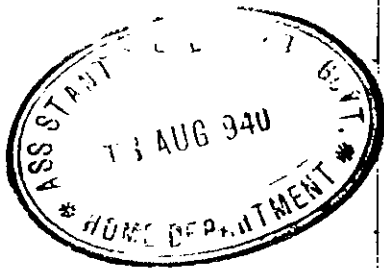
The draft order may be
perused and the file returned to
Homes.

Stk
10.8.40

G
12/8/40

Homes

Fin 22/12/40
12810



Homes Sept.

may nine.

R
14/8

100
14/8/40

22913C
13.8.40

A.S.

Home Dep.

When received for
fair copying ..

When copied . .

When examined..

When signed . .

When despatched.

Jails - ~~Chennai~~ Alipiram Jail, Bellary -
R. Govinda Rao, ex - store keeper - Security
deposit - Withdrawal of Rs 250/-
from the Post Office Savings Bank account
in ~~his name~~ ^{by} the Suptt., Central Jail, Bellary
- Letter from me P.M. & communicated.

READ AGAIN 80-2045 Law (JE), dated 10.7.34, 19

READ ALSO:—

101-2 CF No. 1269C From the J. G. Brown, No. 2448/11-27/9 dated 23-4-1940

1, 1105 " 15705C " " " " " 16-5-1940

p-2 of "22269C" "P. M. G., ~~names~~" "SB/M.S/306," "3-8-1940"

Order Ms. No. 3403, dated 15. 8 1940

p-q CF

A copy of the letter from the Postmaster-General, Madras, read above is communicated to the S. G. Prisoners.

2. The sum of Rs 250/- withdrawn from the Post office Savings Bank account No. 28065 standing in the name of R. Govind Rao Shd. be credited to Govt. under the head "XXII" - a - Jails & Court Settlements - Jails - Miscellaneous.

Page 3 of 2CF

and 'M' as 6-188 (N)

876
168

The H. 9 basis (with a copy of p. 9 CF)

The A.S. thro' Finance. ✓

The Finance Dept.
(cc. copy for file)